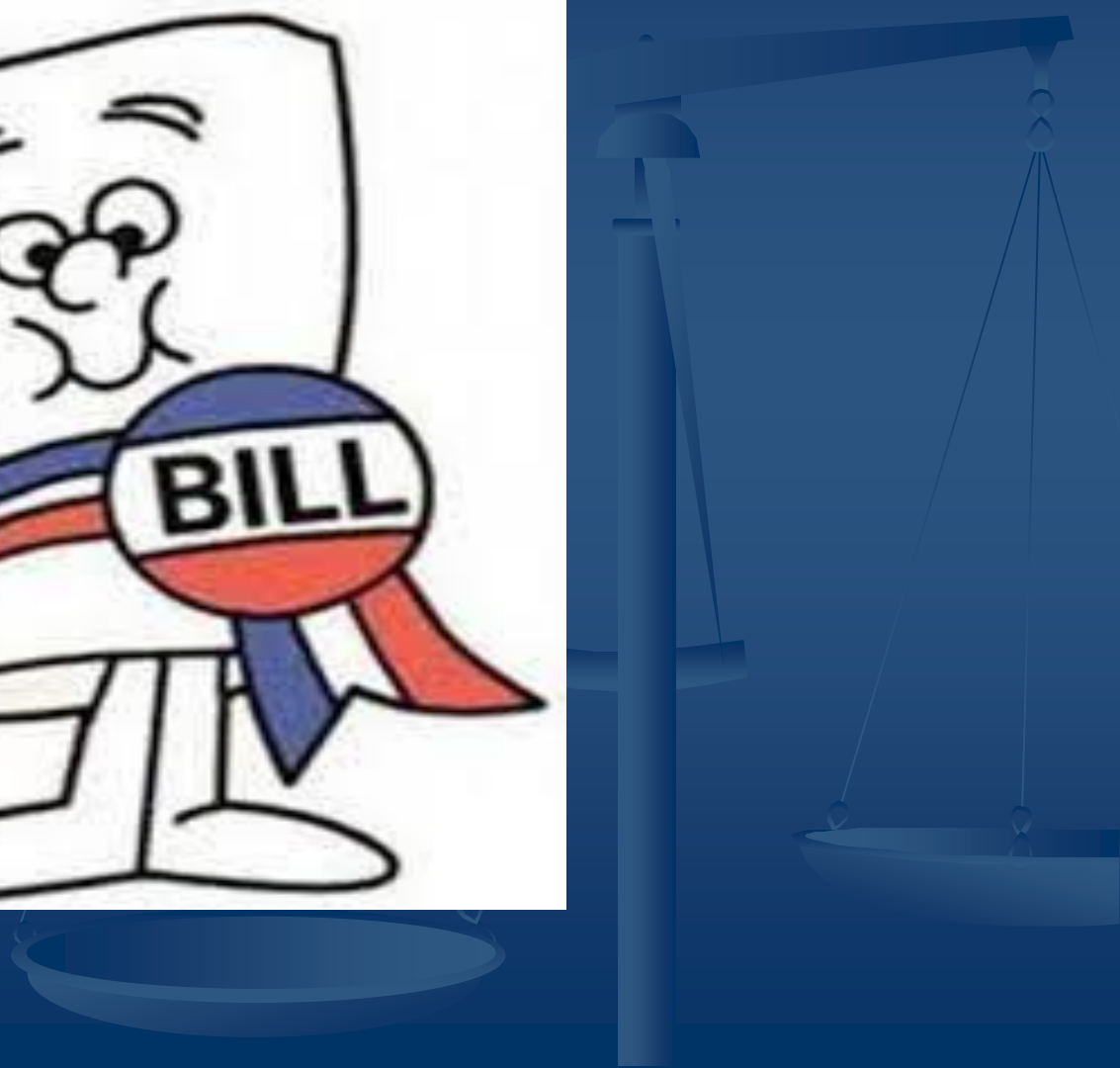
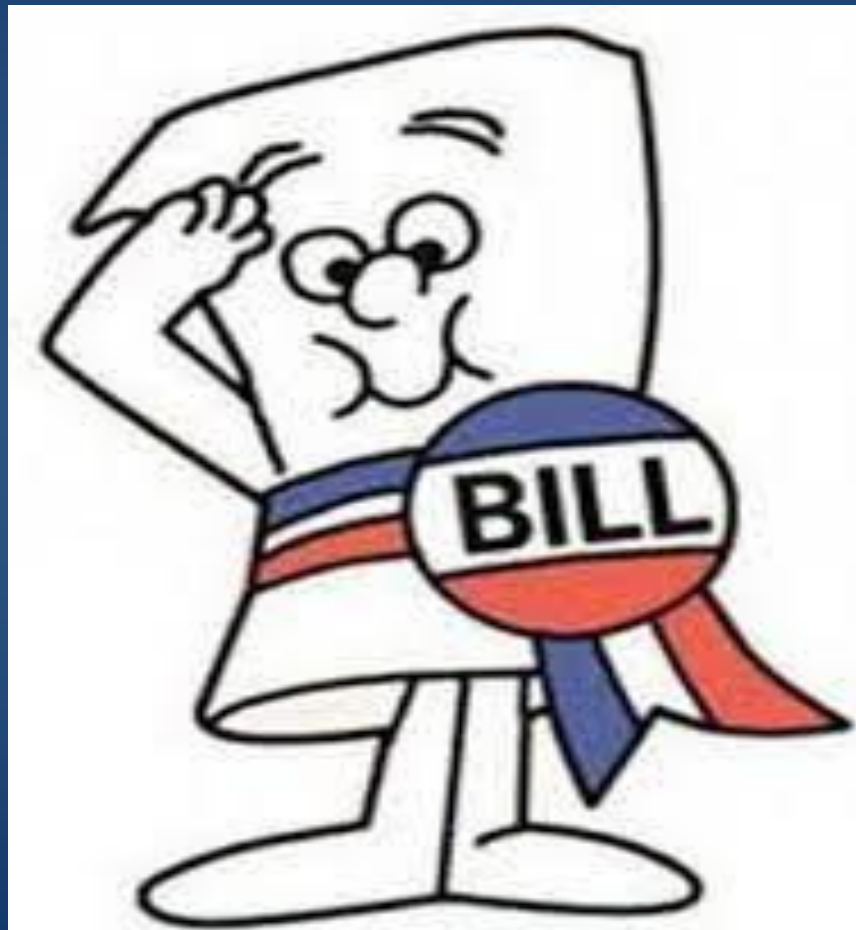


Access to Court Interpreters

Spring 2023
OSPD & MPDA
Public Defender Conference

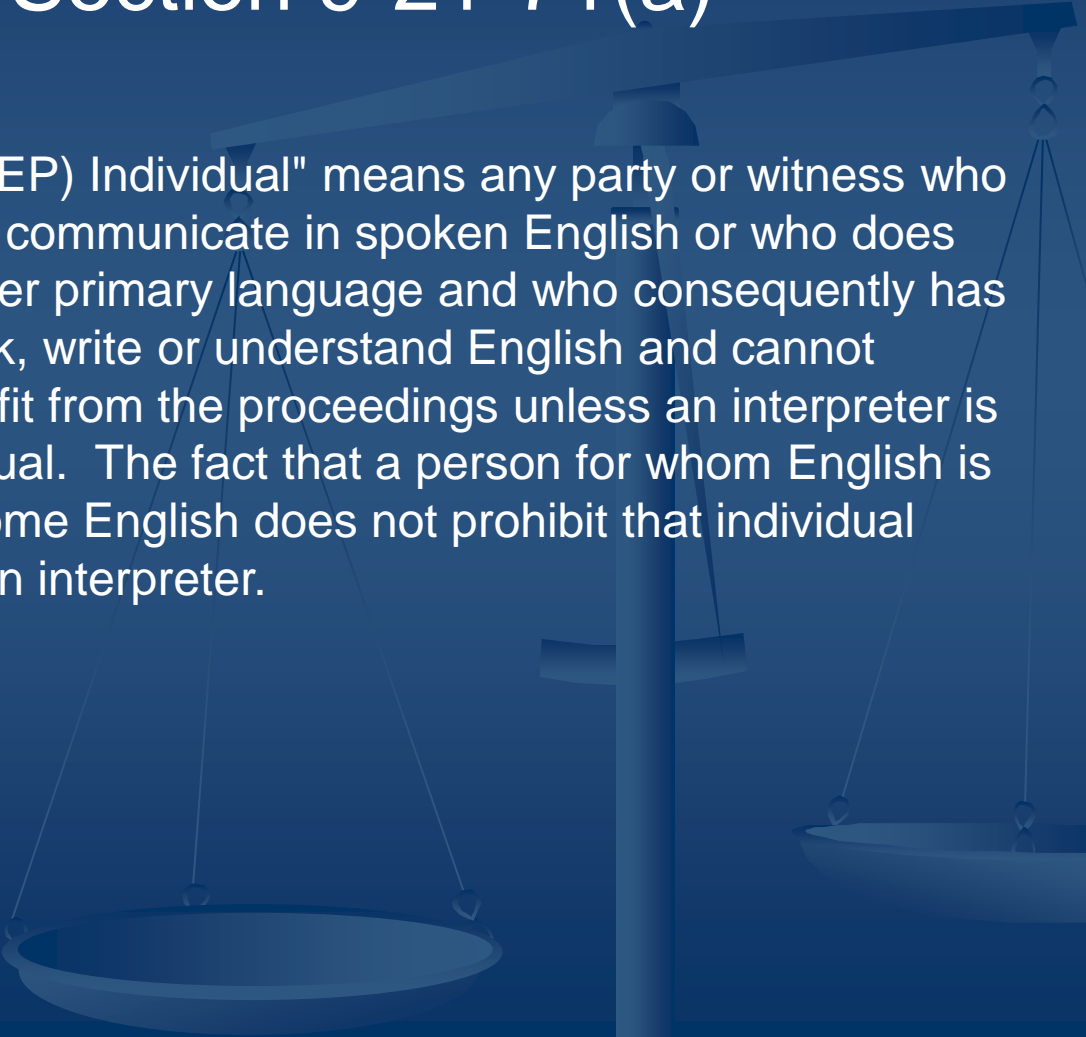
April 27, 2023

House Bill 1217



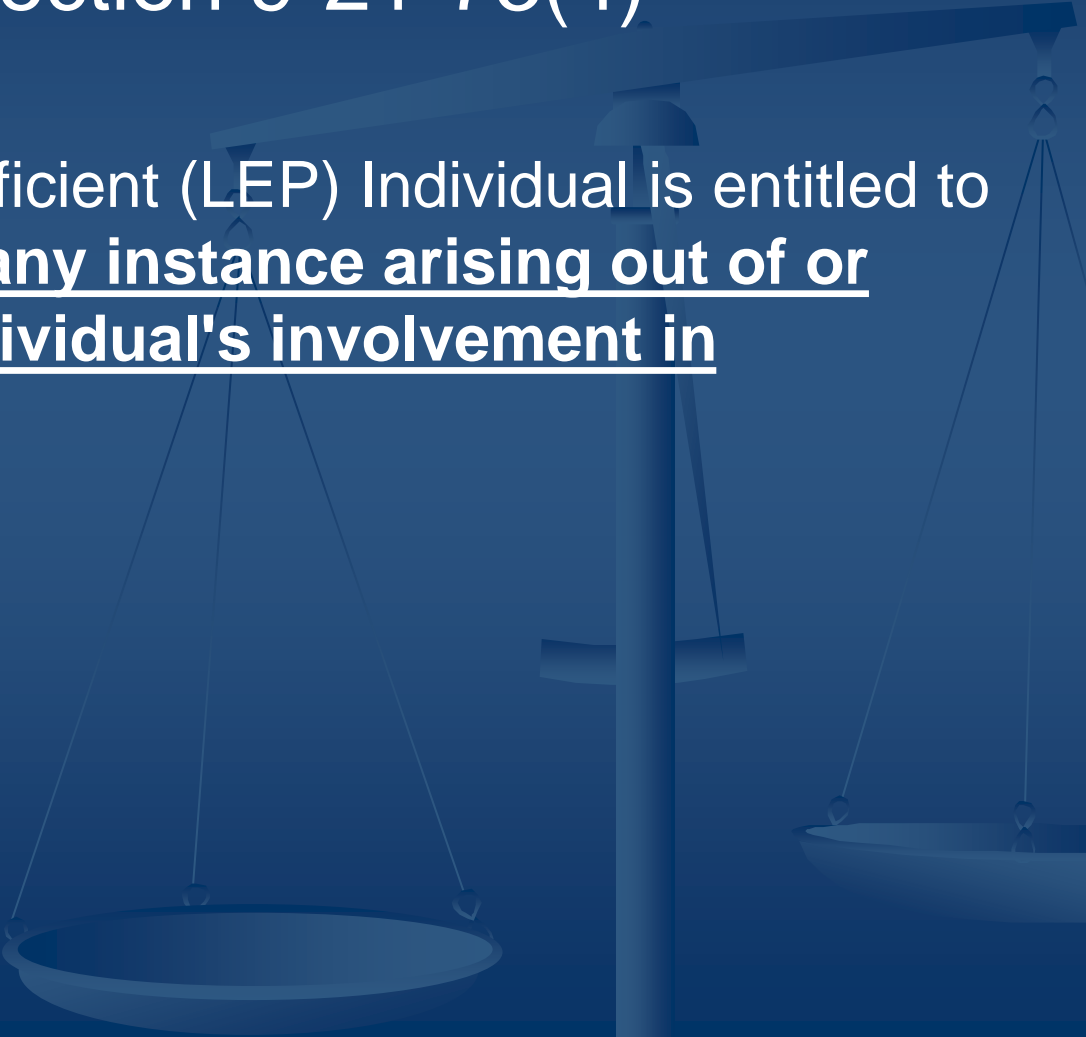
Revised Section 9-21-71(a)

"Limited English Proficient (LEP) Individual" means any party or witness who cannot readily understand or communicate in spoken English or who does not speak English as his or her primary language and who consequently has a limited ability to read, speak, write or understand English and cannot equally participate in or benefit from the proceedings unless an interpreter is available to assist the individual. The fact that a person for whom English is a second language knows some English does not prohibit that individual from being allowed to have an interpreter.



New Section 9-21-73(4)

A Limited English Proficient (LEP) Individual is entitled to use an interpreter in any instance arising out of or pertaining to the individual's involvement in litigation.

A faint, stylized illustration of a balance scale is visible in the background. The scale is positioned on the right side of the frame, with its vertical post and horizontal beam extending across the upper right. Two pans are suspended from the beam by thin lines. The entire image has a dark blue background.

New Section 9-21-80 - Overview

- The Court shall appoint an interpreter in the following order of preference:
 - (a) Certified Court Interpreter.
 - (b) Registered Court Interpreter.
 - (c) Non-credentialed interpreter.
- If the Court appoints a Non-credentialed interpreter, the Court must make the following findings on the record:
 - (a) The proposed interpreter appears to have adequate language skills, knowledge of interpreting techniques, familiarity with interpreting in a court setting, and has read, understands, and agrees to abide by the Mississippi Code of Ethics for Court Interpreters and the Mississippi Rules on Standards for Court Interpreters.
 - (b) A summary of the efforts made to obtain a certified or registered court interpreter, as well as a summary of the efforts to determine the capabilities of the proposed non-credentialed interpreter, must be made in open court and placed on the record.

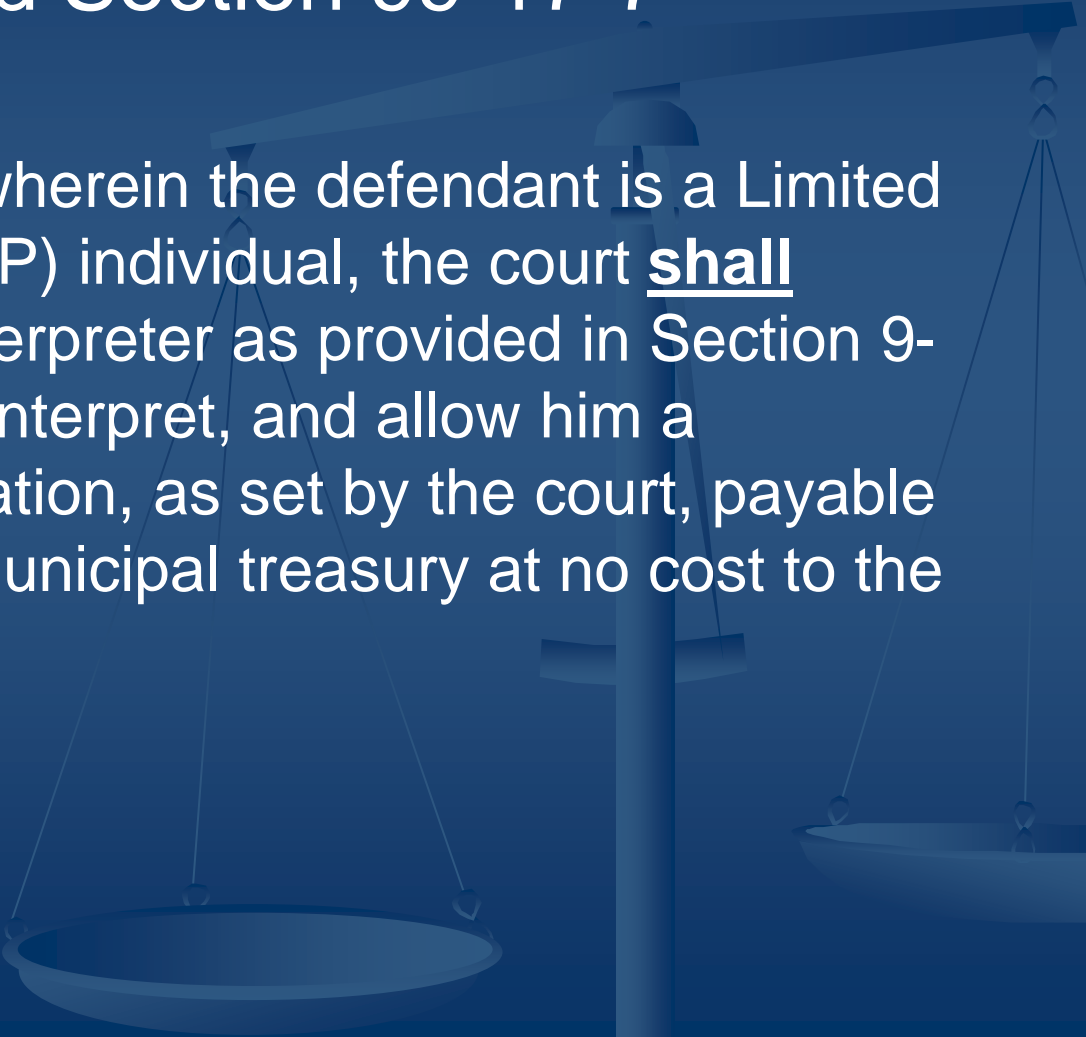
Revised Section 9-21-81(2)

The expenses of providing an interpreter in any court proceeding or instance arising out of litigation must be payable out of the court or municipal treasury at no cost to the litigant.



Revised Section 99-17-7

In **all** criminal cases wherein the defendant is a Limited English Proficient (LEP) individual, the court **shall** appoint a qualified interpreter as provided in Section 9-21-80, sworn truly to interpret, and allow him a reasonable compensation, as set by the court, payable out of the county or municipal treasury at no cost to the defendant.

A faint, stylized illustration of a balance scale is visible in the background, positioned on the right side of the slide. The scale is tilted, with the right pan being higher than the left pan. The entire image has a dark blue background.

Will take effect and be in force from and after July 1, 2023



WHAT IF I TOLD YOU

**NOT ALL BILINGUAL
PEOPLE ARE INTERPRETERS**

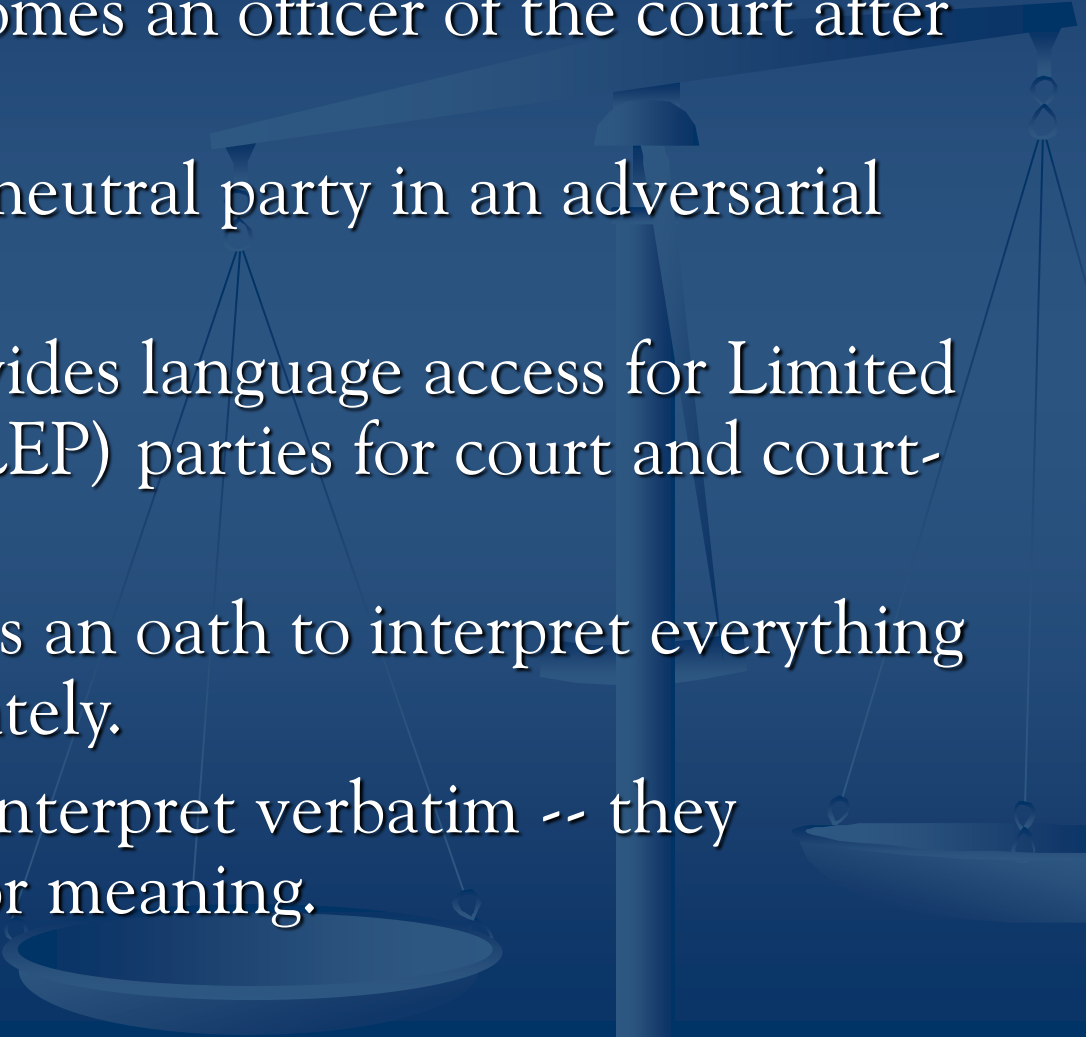
imgflip.com

Who are foreign language court interpreters?

- Foreign language court interpreters are HIGHLY SKILLED professionals who fulfill an essential role in the administration of justice.
- Foreign language court interpreters must:
 - Perform at a very high level in the three modes of interpreting;
 - Be knowledgeable of court procedures and protocol; and
 - Maintain high ethical standards required by the Mississippi Code of Ethics for Court Interpreters and the Rules on Standards for Court Interpreters.



What is the role of the interpreter?

- The interpreter becomes an officer of the court after taking the oath.
 - The interpreter is a neutral party in an adversarial system.
 - The interpreter provides language access for Limited English Proficient (LEP) parties for court and court-ordered matters.
 - The interpreter takes an oath to interpret everything faithfully and accurately.
 - Interpreters do not interpret verbatim -- they interpret meaning for meaning.
- 

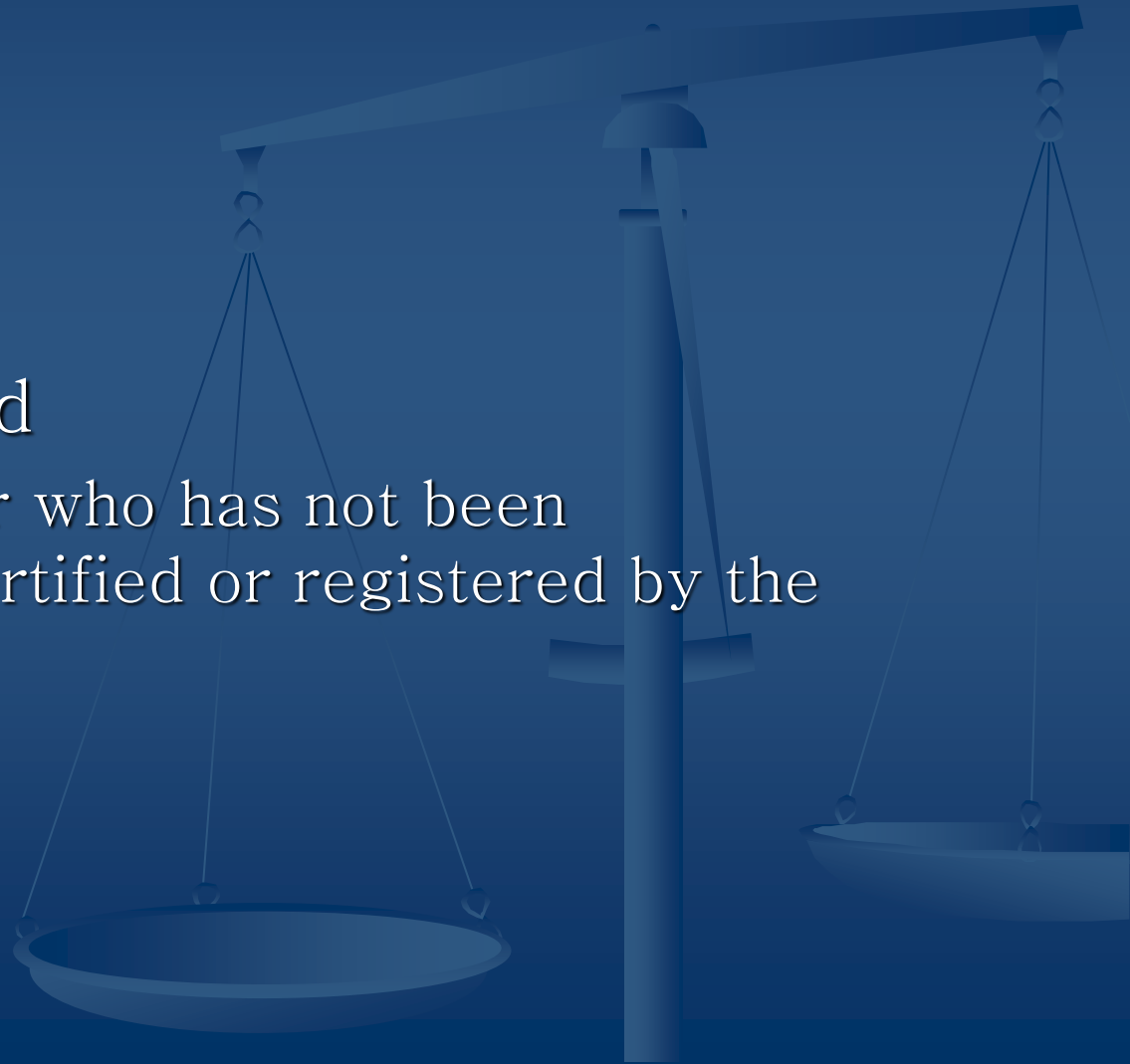
HERE'S TO THE PEOPLE WHO

**KNOW THE DIFFERENCE BETWEEN
AN INTERPRETER AND A TRANSLATOR**

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Three Types of Interpreters

- Certified
- Registered
- Non-credentialed
 - Court interpreter who has not been designated as certified or registered by the AOC



Credentialed Interpreters

REGISTERED INTERPRETERS

1. Attended the 2-day Ethics and Skills Building Workshop
2. Passed an approved criterion-referenced written exam, with a score of 80% or more
3. Passed a criminal background check
4. Completed citizenship form
5. Signed interpreter oath

CERTIFIED INTERPRETERS

1. Completed all five requirements for “Registered” designation
2. Passed the three-part Oral Performance Exam

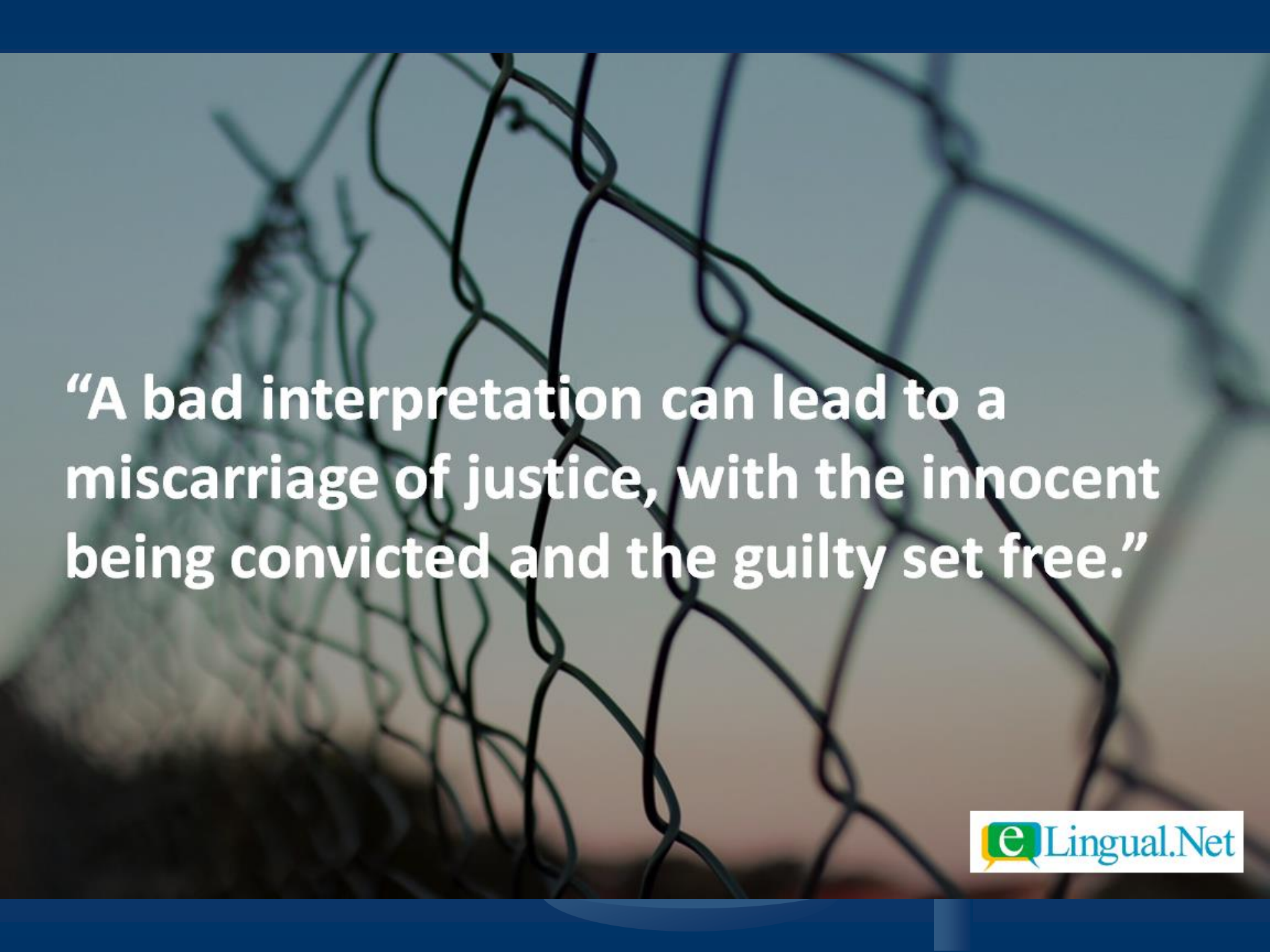
Interpreters are **not** employees of the AOC.

Interpreters are independent contractors who negotiate compensation with the hiring party or appointing court.



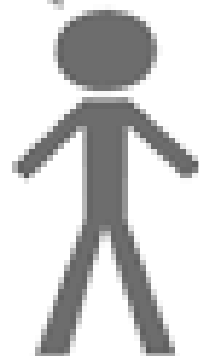
“Doctors are your
lifesavers,
lawyers are your
advocates,
translators and
interpreters
are your voice.”





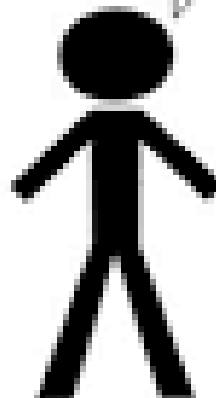
“A bad interpretation can lead to a miscarriage of justice, with the innocent being convicted and the guilty set free.”

It was murder
time, so I left
home and killed
Bill.



INTERPRETER

At the time of the
murder, I was at
home watching
"Kill Bill."



LEP WITNESS



JUDGE

Why do we need court interpreters?

- In Florida a Spanish speaking Cuban was sentenced to 15 years in prison and 15 years probation for stealing a dump truck. He was told by his unqualified interpreter that he was pleading guilty to stealing a toolbox, a misdemeanor. That conviction was reversed.
- A Spanish speaker went to small claims court to collect on a \$2000 bad check given to him by his boss. The court would not provide an interpreter and summarily dismissed his case because the court could not understand him.
- A Massachusetts woman seeking a domestic violence restraining order testified that her abuser told her "I want you dead." The interpreter translated the statement as "He scolded me."
- A Spanish speaking woman in Missouri received court papers written in English. The papers were a summons to court for a termination of parental rights hearing. No one translated the papers. Her rights were terminated, her son adopted, and his whereabouts are unknown.
- In New York, an Arabic-speaking non-custodial mother was denied visits with her child because an Arabic interpreter could not be found. After months of delay, she was granted supervised visitation only if she spoke English to her child. She was forbidden to speak Arabic to her child. **The mother cannot speak English.**





STATE OF MISSISSIPPI JUDICIARY

Administrative Office of Courts



•COURT

•AOC

•MEC



AOC

- » AOC Municipal/Justice Court
- » Court Interpreter Credentialing Program
 - » Application to Pursue Court Interpreter Certification
 - » Court Clerks
 - » Roster of Court Interpreters
 - » Resources & Forms
- » Board of Certified Court Reporters
- » Employee Information & Forms
- » Statistics Reporting
- » Wireless Communications

Roster of Court Interpreters

[MANDARIN CHINESE - CERTIFIED ROSTER](#)

[ARABIC - CERTIFIED ROSTER](#)

[SPANISH - CERTIFIED ROSTER](#)

[PORTUGUESE - REGISTERED ROSTER](#)

[SPANISH REGISTERED ROSTER](#)

[YORUBA & PIDGIN - REGISTERED ROSTER](#)

Roster of Certified Spanish Language Court Interpreters

Certification is the highest level court interpreter in the Mississippi Judicial system. To become a Certified Court Interpreter in Mississippi, an interpreter must already be a Registered Court Interpreter and additionally must pass the National Center of State Court Oral Certification Examination. A Certified Court Interpreter has tested skills in simultaneous and consecutive court interpreting as well as in sight translation and has scored at least a 70% on each testing session.

The following interpreters have successfully completed all of the above requirements and are Certified Court Interpreters in the Spanish language:

Name and Contact Information	Location	Areas Served
Andrew John Dafoe 5748 Vermillion Blvd. New Orleans, LA 70122 (303) 263-5749 aj.dafoe@gmail.com	New Orleans, LA	Statewide
Arlin W Lang 149 Holiday Avenue Pass Christian, MS 39571 (601) 862-0526 arlinwlang@gmail.com	Harrison County	Statewide

For assistance with interpreters for the hearing impaired, please visit the Registry of Interpreters for the Deaf at the following link:

<https://www.rid.org> or <https://www.odhh.org>

American Sign Language-



French Sign Language-



YOU GET A TIP! YOU GET A TIP!



EVERYBODY GETS A TIP!

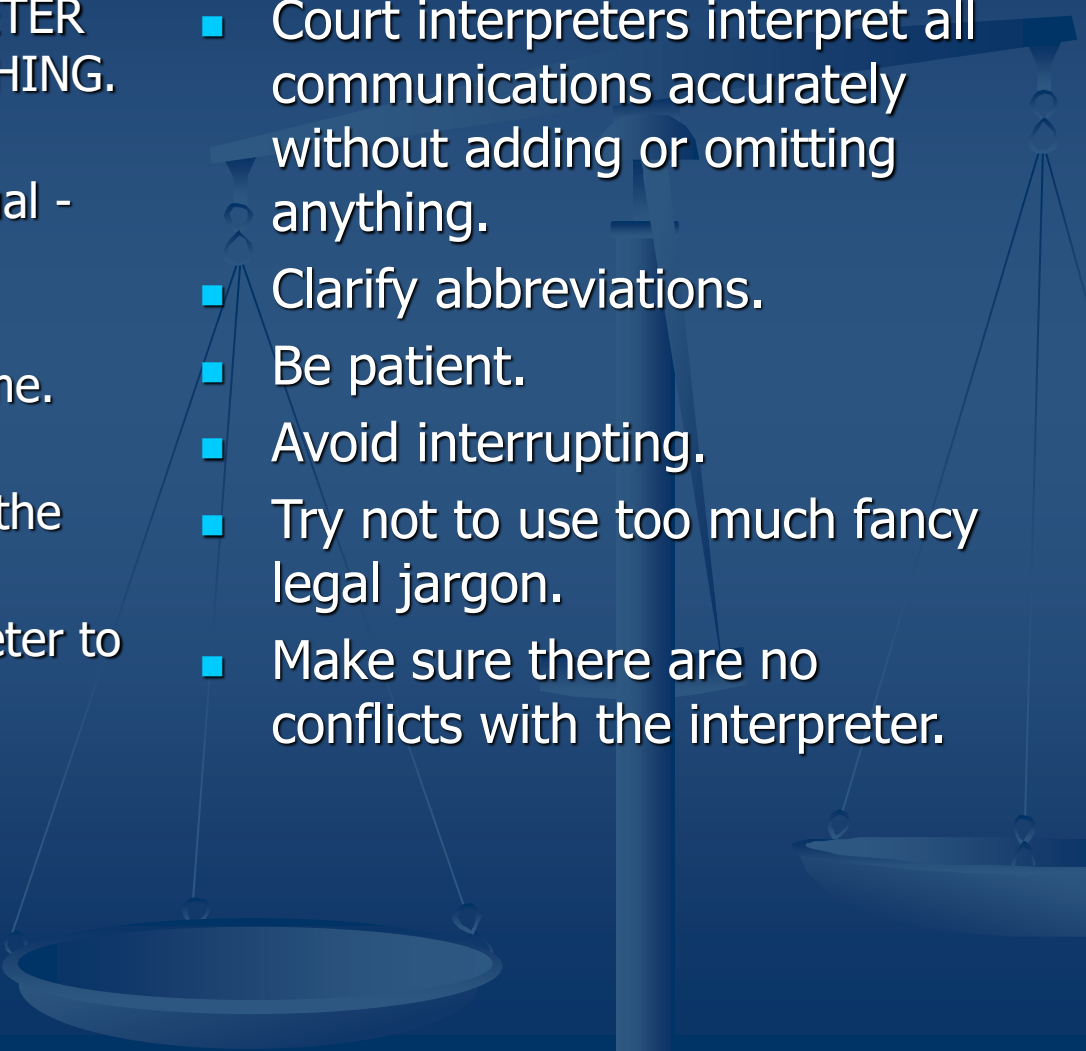
"Oh no, don't interpret that!"

"I just did."



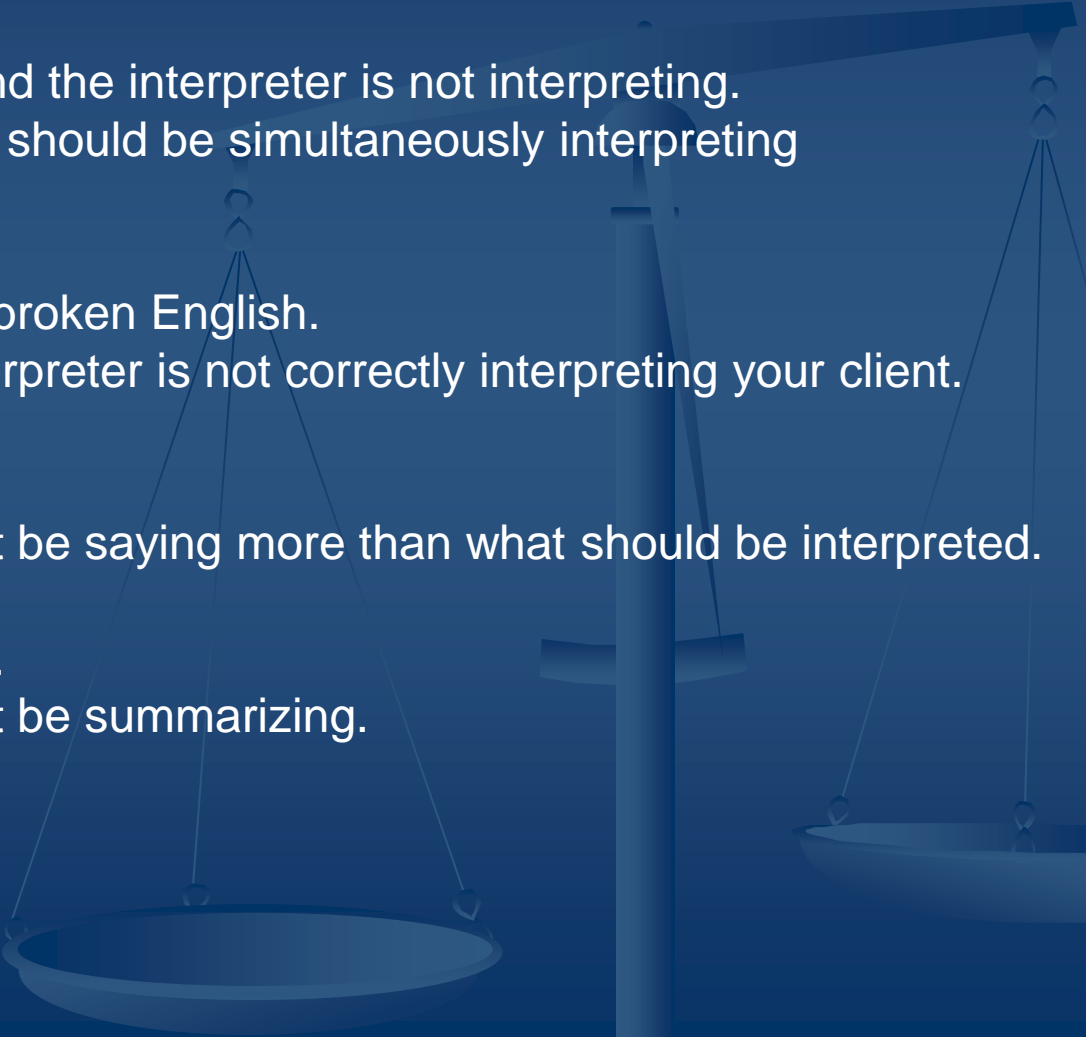
somee cards
user card

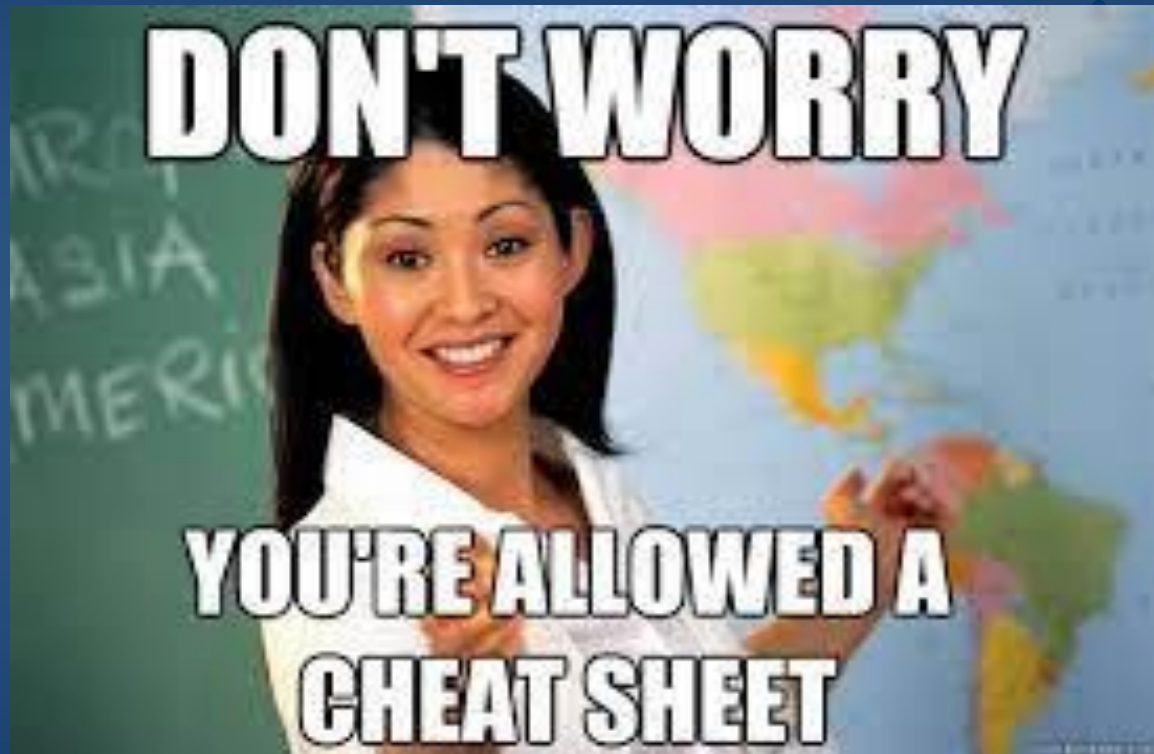
Tips for Working With Court Interpreters

- DO NOT ASK THE INTERPRETER NOT TO INTERPRET SOMETHING.
 - Direct your comments and questions to the LEP individual - NOT to the court interpreter.
 - SLOW DOWN - make sure everyone speaks one at a time.
 - Provide the court interpreter pertinent documents before the hearing.
 - Do not ask the court interpreter to explain anything to the LEP individual.
 - Court interpreters interpret all communications accurately without adding or omitting anything.
 - Clarify abbreviations.
 - Be patient.
 - Avoid interrupting.
 - Try not to use too much fancy legal jargon.
 - Make sure there are no conflicts with the interpreter.
- 



Signs That Things Are Not Going Well

- The hearing is taking place and the interpreter is not interpreting.
 - The court interpreter should be simultaneously interpreting EVERYTHING.
 - Your client starts speaking in broken English.
 - Chances are the interpreter is not correctly interpreting your client.
 - The interpretation is too long.
 - The interpreter might be saying more than what should be interpreted.
 - The interpretation is too short.
 - The interpreter might be summarizing.
- 



Inside Scoop: Cheat Sheet Given to Judges

CHEAT SHEET

1. At the BEGINNING of a hearing or trial, determine the need for an interpreter ON THE RECORD.
2. Determine if the interpreter is qualified ON THE RECORD.
3. Administer the Court Interpreter's Oath ON THE RECORD.
4. Instruct the interpreter to sit or stand by the LEP for them to simultaneously interpret EVERYTHING said during the ENTIRE hearing(s) or trial.
5. If the LEP testifies, instruct the interpreter to go with the LEP to the witness stand.
6. Remind the attorneys to speak directly to the LEP and the interpreter will interpret the questions in the target language to the LEP.
7. The interpreter will interpret the responses in the source language for the record.
8. Consecutive interpreting is typically used in testimony.

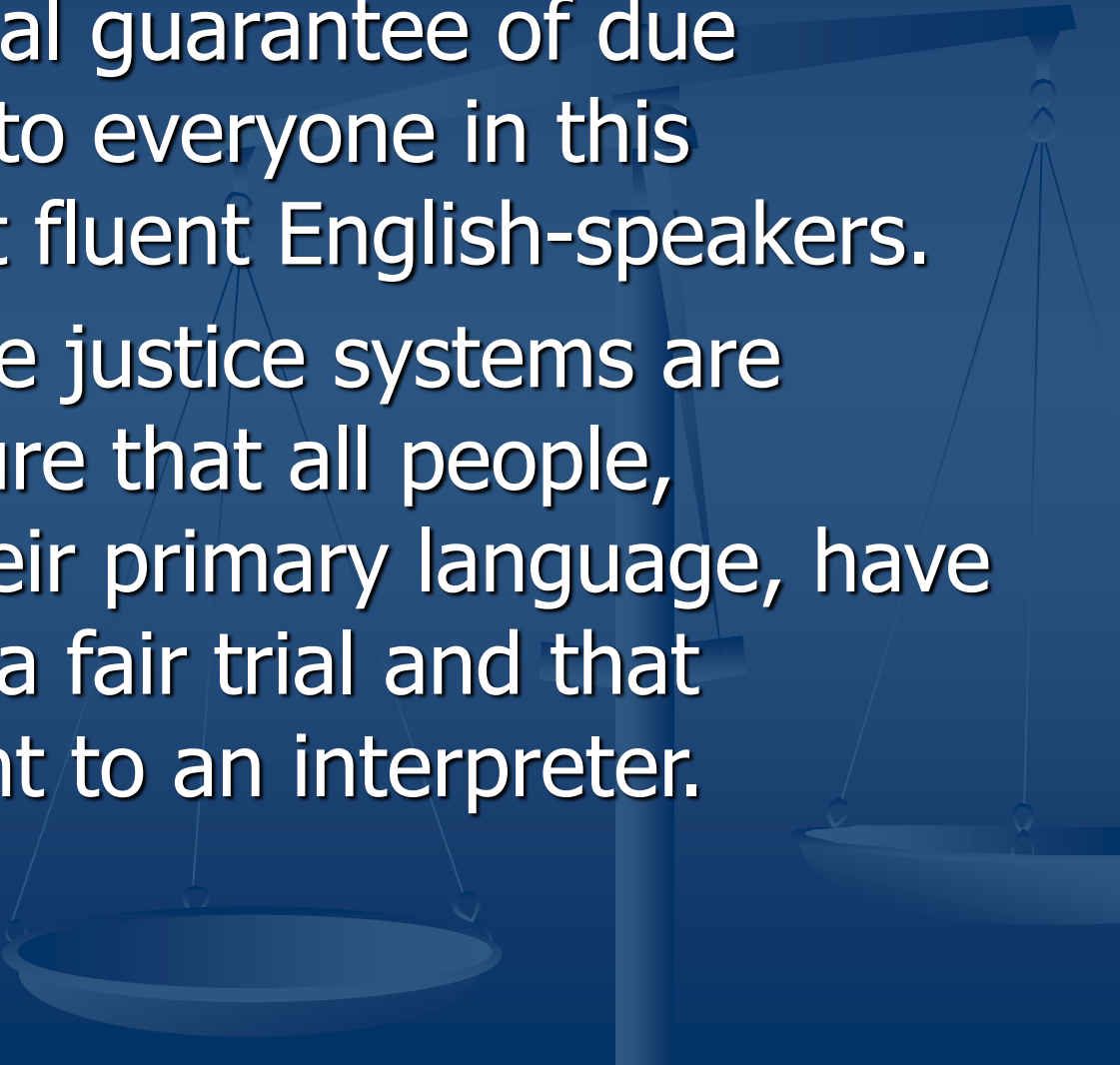
**YEAH, IF STATE LAW COULD JUST NOT DEVIATE
FROM THE FEDERAL OR COMMON LAW RULE,**

THAT'D BE GREAT

quickmeme.com

The right to an interpreter is guaranteed by:

- 4th, 5th, 6th, and 14th Amendments
- Federal Court Interpreter Act (1978, Amendment, 1988)
- Civil Rights Act of 1964
 - 42 U.S.C. § 2000d *et seq.* (Title VI)
 - *Lau v. Nichols*, 414 U.S. 563 (1974): Failing to take reasonable steps to ensure meaningful access for LEP persons is a form of national origin discrimination prohibited by Title VI.
- Omnibus Crime Control and Safe Streets Act of 1968
 - 42 U.S.C § 3789d(c) (Safe Streets Act)

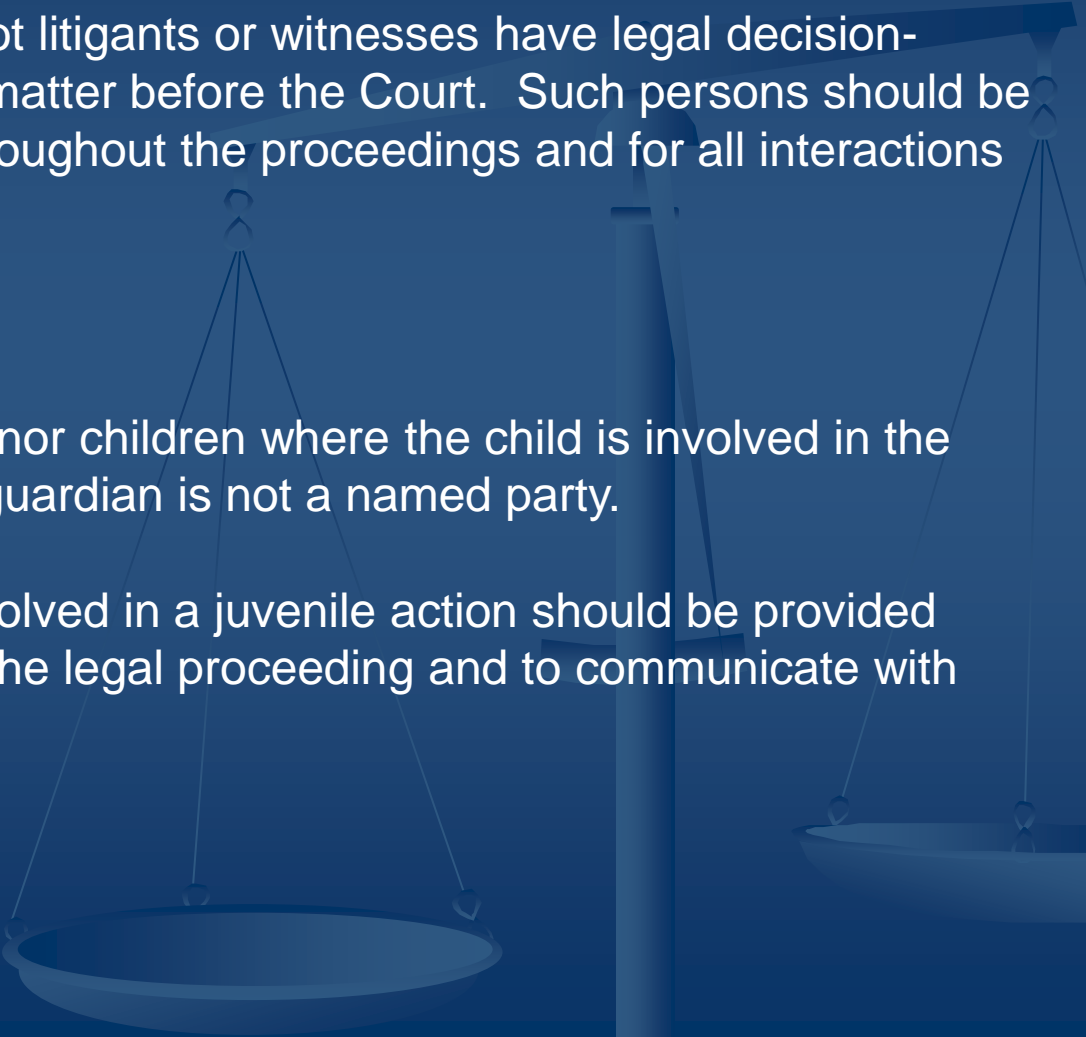
- 
- A faint, stylized image of a balance scale is visible in the background, symbolizing justice and equality. The scale is positioned on the right side of the slide, with its pans hanging from a central beam.
- The constitutional guarantee of due process applies to everyone in this country, not just fluent English-speakers.
 - In America, state justice systems are required to ensure that all people, regardless of their primary language, have equal access to a fair trial and that includes the right to an interpreter.

Department of Justice

- **Executive Order 13166** – Improving Access to Services for Persons with Limited English Proficiency
- **Letter to State Court Administrators (Dec. 1, 2003)** – Reminding states that “most, if not all,” state courts receive federal monies in some way, shape, or form.
- **DOJ Memorandum (June 28, 2010)** – “It is the policy of the Department of Justice to ensure that limited English proficient (LEP) persons can meaningfully access all programs and activities conducted both by the Department and by entities receiving funding from the Department.”

WOW. GOOD TO KNOW.



A faint, stylized illustration of a balance scale is visible in the background. The scale is positioned on the right side of the frame, with its vertical pillar and horizontal beam extending across the upper right. Two pans are suspended from the beam by thin lines. The scale is rendered in a light blue color, matching the overall theme of the slide.

Certain LEP persons who are not litigants or witnesses have legal decision-making authority regarding the matter before the Court. Such persons should be provided interpreter services throughout the proceedings and for all interactions with the Court.

Some examples:

Parents or legal guardians of minor children where the child is involved in the matter but where the parent or guardian is not a named party.

LEP parents of a minor child involved in a juvenile action should be provided interpreter services throughout the legal proceeding and to communicate with counsel.

Contact Information

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Spring 2023
OSPD & MPDA
Public Defender
Conference



Thursday, April 27
3:20pm-4:05pm

Deenie Miller

